

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Griffin Sherbert	Team: Squad #10	CCRB Case #: 202107199	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 11/05/2021 10:15 AM	Location of Incident: § 87(2)(b)	Precinct: 14	18 Mo. SOL 5/5/2023	EO SOL 5/5/2023	
Date/Time CV Reported Wed, 11/24/2021 3:33 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Wed, 11/24/2021 3:33 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. PO Jason Harrigan	02217	949087	MTS PCT
2. PO Christopher Dethomas	16002	961727	MTS PCT

Officer(s)	Allegation	Investigator Recommendation
A. PO Jason Harrigan	Abuse: Police Officer Jason Harrigan forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)
B. PO Christopher Dethomas	Abuse: Police Officer Christopher DeThomas forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)
C. PO Jason Harrigan	Force: Police Officer Jason Harrigan used physical force against § 87(2)(b)	§ 87(2)(b)

Case Summary

On November 24, 2021, § 87(2)(b) called the CCRB wherein she filed the following complaint via the Call Processing System.

On November 5, 2021, at approximately 10:15 a.m., § 87(2)(b) was in her home at § 87(2)(b) in Manhattan, on the phone with a female employee of the New York City Housing Authority (“NYCHA”) to request a “housing voucher.” After the NYCHA employee refused to provide a housing voucher, § 87(2)(b) became upset, and told the employee that her interactions with NYCHA staff had caused her to feel “very depressed and helpless,” before ending the call. Shortly thereafter, Police Officer Jason Harrigan and Police Officer Christopher Dethomas of the 14th Precinct, responded and knocked on § 87(2)(b) door. Upon opening the door and stepping into the hallway, § 87(2)(b) alleged that PO Harrigan and PO Dethomas immediately told her that she needed to go to the hospital to get evaluated (**Allegations A and B: Abuse of Authority-Forcible Removal to Hospital**, § 87(2)(g)). After telling the officers she did not want or need to go to the hospital, § 87(2)(b) attempted to reenter her apartment, and PO Harrigan allegedly grabbed and pulled § 87(2)(b) arm to prevent her from going back into her apartment (**Allegation C: Force-Physical Force**, § 87(2)(g)). After several minutes, the officers escorted § 87(2)(b) out of the building and into a waiting ambulance, and transported her to § 87(2)(b) Hospital, wherein after speaking to the medical staff, § 87(2)(b) was discharged and released home that afternoon. § 87(2)(b) was neither arrested nor issued any summons as a result.

The investigation obtained (2) Body-Worn Camera (“BWC”) videos (**BR01-BR02**) from the involved officers, which were comprehensive and captured the relevant portions of this incident.

Findings and Recommendations

Allegation A—Abuse of Authority: Police Officer Jason Harrigan forcibly removed § 87(2)(b) to the hospital.

Allegation B—Abuse of Authority: Police Officer Christopher DeThomas forcibly removed § 87(2)(b) to the hospital.

Allegation C—Force: Police Officer Jason Harrigan used physical force against § 87(2)(b)

§ 87(2)(b) stated (**BR03**) that on the morning of November 5, 2021, prior to 10:00 a.m., she was on the phone with a female representative of the New York City Housing Authority (“NYCHA”), trying to obtain information regarding a “housing voucher.” § 87(2)(b) explained that she had called NYCHA several times prior to the incident date for the same issue, and on the incident date, § 87(2)(b) became upset during the call with NYCHA representative because she was “getting nowhere.” § 87(2)(b) told the female representative that her interactions with NYCHA staff had caused her to feel “very depressed and helpless.” § 87(2)(b) said the female representative did not respond or have a reaction, but only asked § 87(2)(b) to confirm her address, and then abruptly ended the call. Although § 87(2)(b) was unable to further describe what specifically upset her during the call, she added that she “never once, to [her] knowledge, said, ‘I’m going to kill myself.’” Ultimately, when asked whether, at any point during her conversation with the NYCHA representative, she ever expressed, remarked, or otherwise intimated that she wanted or planned to hurt herself, § 87(2)(b) replied, “...I would never hurt myself.... I don’t do nothing. I stay home, alone, every day.”

EVENT # § 87(2)(b) (**BR10**), generated on November 5, 2021, at 10:05 a.m., by an unidentified NYCHA employee’s third-party 911 call, reported that § 87(2)(b) was “feeling suicidal,” and was “threatening to [...] harm herself,” at § 87(2)(b) in Manhattan, and officers and EMS were dispatched in regard.

Shortly after her call with the NYCHA representative, at approximately 10:15 a.m., § 87(2)(b) (**BR03**) stated that, PO Harrigan, PO Dethomas, and a few EMTs responded. § 87(2)(b) stated that she did not call 911, and believed that the female NYCHA representative called 911 on her, despite feeling that there was “no reason” to do so. § 87(2)(b) said that when she opened her apartment door, PO Harrigan and PO Dethomas immediately told her that she needs to go to the hospital. While § 87(2)(b) initially stated, during her interview, that the officers did not give her any

reason or provide any information regarding why she needed to be brought to the hospital; § 87(2)(b) later acknowledged that the officers informed her that they had received a call saying that she was “going to harm herself,” which required them to take her to the hospital to get evaluated by medical staff.

§ 87(2)(b) told the officers that she did not need to go to the hospital because she already sees a psychologist and therapist for anxiety and depression, and so there was “nothing for [the hospital staff] to do.” The officers ignored § 87(2)(b) explanations and reiterated that they needed to bring her to the hospital. § 87(2)(b) told the officers she did not want to go to the hospital, and then attempted to reenter her apartment and close the door. PO Harrigan grabbed and pulled § 87(2)(b) arm to prevent her from going back into her apartment.

After several minutes, PO Harrigan, PO Dethomas, and the EMTs escorted § 87(2)(b) downstairs to a waiting ambulance, wherein they transported her to § 87(2)(b) Hospital. After waiting approximately one hour, § 87(2)(b) was seen by a doctor, who asked her “the basic questions,” although § 87(2)(b) could not recall what the basic questions were. After speaking to the doctor for 10 to 15 minutes, § 87(2)(b) was discharged from § 87(2)(b) Hospital and returned home.

The investigation obtained (2) BWC videos from PO Harrigan (**BR01**) and PO Dethomas (**BR02**), which comprehensively captured the entirety of the incident, as described below.

PO Harrigan’s BWC (**BR01**), at 01:00, shows him and PO Dethomas knock on § 87(2)(b) door—§ 87(2)(b) inside of § 87(2)(b) in Manhattan. At 01:25, a male individual approaches the officers from down the hallway, and after the officers confirm to him that § 87(2)(b) is inside the apartment, the male tells the officers, “Listen § 87(2)(b) is...” and makes a vacillating hand gesture, and PO Dethomas remarks, “Yeah, I hear her talking.” At 01:40, § 87(2)(b) partially opens the door, and asks the officers what they need. The officers say hello, and ask if she can open the door and speak with them. § 87(2)(b) says she cannot because her things are blocking the door, and is heard crying and saying she does not know who called the police. At 02:00, the officers ask how she is feeling today, and § 87(2)(b) replies that she feels the way she feels “everyday... depressed... I have anxiety.” PO Dethomas asks § 87(2)(b) if she talks to anyone about feeling depressed, and § 87(2)(b) pushes open her door fully.

At 02:20, PO Harrigan asks § 87(2)(b) if she spoke with anyone that day, or made any comments to anyone about wanting to harm herself, and she replies, “No. Why would I want to hurt myself?” PO Harrigan says he does not know, and begins to inform her that they received a call, when § 87(2)(b) interjects, “Yeah someone from the housing authority... They’re passing the buck.” The officers tell § 87(2)(b) that the person from NYCHA who called 911 was concerned for her safety, and § 87(2)(b) complains that NYCHA will not give her a housing voucher. At 03:00, § 87(2)(b) begins to exit her apartment after being asked to do so by the officers so that they can speak with her. § 87(2)(b) audibly crying, then goes back into her apartment trying to look for something, while PO Dethomas is heard asking for an ETA update for EMS. § 87(2)(b) remarks that she does not need EMS. At 03:45, PO Harrigan tells § 87(2)(b) “Due to the nature of the call,” that he and PO Dethomas received, she is required to speak with EMS and explain to them what is going on with her.

At 10:00 of PO Harrigan’s BWC (**BR01**), one of the responding EMTs bends down to § 87(2)(b) and tells her that they “got called here because you’re acting erratic and stressed.” § 87(2)(b) replies, “wouldn’t you be,” the EMT explains that they “got a call saying you wanted to hurt yourself or someone else.” § 87(2)(b) denies that she told anyone she wanted to hurt herself or other people. At 11:45, another EMT tells § 87(2)(b) that they responded to her apartment because they are concerned for her well-being. When § 87(2)(b) replies, “No one cares about my well-being,” the same EMT states, “well, we showed up.” At 12:00, PO Harrigan asks § 87(2)(b) if she wants to put on shoes to go to the hospital. § 87(2)(b) says she is not going to the hospital and the officers and EMTs tell her that she is required to go, because none of them are doctors, and due to her behavior and conduct, they are required to bring her to the hospital. § 87(2)(b) stands and repeatedly refuses to go to the hospital.

At 13:10, § 87(2)(b) tries to push past PO Harrigan and reenter her apartment, however, PO Harrigan extends his arm in front of her—between § 87(2)(b) and her apartment door—and prevents her from reentering. When § 87(2)(b) asks why they are pushing her around, which is not captured on his BWC (**BR01**), PO Harrigan replies he is not pushing her, and explains to § 87(2)(b) that she cannot go into her apartment now because they need to bring her to the hospital. § 87(2)(b) says she does not want to, and PO Harrigan says he understands but "at this point," she is required to go to the hospital to be evaluated. At 15:30, § 87(2)(b) repeatedly attempts to reenter the apartment, and blocked each time by PO Harrigan's extended arm. After several unsuccessful attempts to push past him, § 87(2)(b) tells PO Harrigan that he is "assaulting her" which PO Harrigan denies. The BWC does not capture PO Harrigan "assault" § 87(2)(b) nor engage in any other use of force besides physically blocking her path to her apartment door with his extended forearm.

At 22:40, while the officers and EMTs escort her from the building to the ambulance, § 87(2)(b) abruptly sits on bench in the lobby of the building, repeatedly asks why the officers are forcing her to go to the hospital, while also refusing to go to the hospital. PO Harrigan tells § 87(2)(b) "You know why you have to go? Because the nature of the call said that you wanted to hurt yourself, and if we were to leave right now, and you harmed yourself, then we would be liable."

PO Dethomas' BWC (**BR02**) at 27:40, shows him within the ambulance accompanying § 87(2)(b) wherein she calls her son, and after telling him a female representative of NYCHA called 911 on her, and claimed that she had said she was going to hurt herself, § 87(2)(b) son remarks (via speakerphone), "I absolutely believe you would say something like that... You've done it to me, you've done it to Capital One [Bank]." § 87(2)(b) says, "When have I ever tried to hurt myself?" § 87(2)(b) son replies, "It doesn't matter. If you say that to someone to try and manipulate them to get what you want, that's the consequences." At 29:30, after ending the call with her son, § 87(2)(b) says aloud, "You're making me want to hurt myself..."

The primary duty of all members of the service is to preserve human life. The safety of all persons involved is paramount in cases involving emotionally disturbed persons. If such person is dangerous to himself or others, force may be used when it is reasonable to prevent serious physical injury or death. Members of the service will use only the reasonable force necessary to gain control or custody of a subject. When there is time to negotiate, all the time necessary to ensure the safety of all individuals will be used. The Patrol Guide defines an 'Emotionally Disturbed Person' ("EDP") as a person who appears to be mentally ill or temporarily deranged and is conducting himself in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others. Patrol Guide, Procedure 221-13 (**BR04**).

Uniformed members of the service concerned shall cooperate with ambulance/hospital personnel in every reasonable manner. Patrol Guide, Procedure 216-01 (**BR05**).

Force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances. [...] When appropriate and consistent with personal safety, members of the service will use de-escalation techniques to safely gain voluntary compliance from a subject to reduce or eliminate the necessity to use force. In situations in which this is not safe and/or appropriate, MOS will use only the reasonable force necessary to gain control or custody of a subject. Patrol Guide, Procedure 221-01 (**BR06**).

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint in which § 87(2)(b) has been a party (**BR07**).
- PO Harrigan, an 11-year-member-of-service, has not had any prior CCRB complaints filed against him (see Officer History). This is the first CCRB complaint in which PO Harrigan is a party.
- PO Dethomas, a five-year-member-of-service, has not had any prior CCRB complaints filed against him (see Officer History). This is the first CCRB complaint in which PO Dethomas is a party.

Mediation, Civil, and Criminal Histories

- This case was not suitable for mediation.
- On March 7, 2022, a FOIL request was submitted to the NYC Comptroller's Office to determine whether § 87(2)(b) or an attorney on her behalf has filed a Notice of Claim with regard to this incident, the results of which will be added to the case file upon receipt (**BR08**).
- § 87(2)(c), § 87(2)(b)

Squad: 10

Investigator:	<u>Griffin Sherbert</u>	<u>Inv. Griffin Sherbert</u>	<u>04/19/2022</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Eric Rigie</u>	<u>IM Eric Rigie</u>	<u>5/2/2022</u>
	Signature	Print Title & Name	Date

Reviewer:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date